

REMARKS

Claim rejections - 35 USC 102

1. According to the Examiner, Claims 1-3, 5 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cirone.

In fact, the Examiner considers that the marking appliqu  31d (col. 7, lines 10-16) is adapted to be used with a female recess tool for clamping a mobile element to be completely inserted in a female recess and to be maintained therein, the device comprising an element having three dimensions, one of the three dimensions being substantially smaller than the other two of the three dimensions and being located in a plane perpendicular to an axis of clamping of the mobile element, the element marking or identifying the dimension of the tool, and being complementary to a shape and being secured and removed in the female recess by forces of friction.

The Applicant does not share the examiner's point of view.

Cirone does not teach a device adapted to be completely inserted in a female recess

The Examiner considers that Cirone teaches a device adapted to be used with a female recess tool for clamping a mobile element to be completely inserted in the female recess.

This is not the case as Cirone and the Applicant's invention do not solve the same technical problem.

Cirone provides a system for size collation of tools which, when included as a design feature of hand held tools, permits rapid collation of like sized members of analogous tool families.

So "there is provided a collation feature by which a common visual indicator is assigned to commonly sized members of functionally analogous tools having different structural configuration, thereby permitting rapid substitution of like size tool members between the various families of tools. The visual indicia is advantageously disposed in a prominent position on the tool for unobstructed viewing" (col. 2, lines 58-65).

The Applicant's invention is adapted to be completely inserted in the female recess in order to identify the tool as such, which is not the case for Cirone, where the visual indicia is disposed in a prominent position on the tool for unobstructed viewing in order to identify a family of tools.

In fact, if one of ordinary skill in the art puts the appliqu  31d in a female recess of a tool, the appliqu  31d would not be in a prominent position on the tool for unobstructed viewing.

Furthermore, nothing in Cirone suggests that the size of the marking appliqu  is smaller than the size of the female recess and that the marking appliqu  can be put in a female recess and is adapted to be completely inserted in a female recess.

**By reading Cirone specification, one of ordinary skill in the art does not obtain the Applicant's invention**

The marking appliqu  31d is a part of a marking kit and is not destined to be used as such for the marking of only one tool.

The marking appliqu  31d can only be used in relationship with the other appliqu s included in the marking kit.

So, one of ordinary skill in the art can not imagine that the marking appliqu  can be inserted in a female recess and can be used to identify the female recess tool as the appliqu s permit the identification of a family of tools and not only a female recess tool.

Furthermore, one of ordinary skill in the art is not encouraged to put the marking appliqu  31d in a female recess as Cirone mentions that "yet another example of user applied indicia includes self adhesive stickers or appliqu s sized to be received on a surface of a tool or article" (col. 6, lines 27-29).

It has already been mentioned that Cirone encourages to put the device on the tool for unobstructed viewing and not in a female recess.

So by reading Cirone specification one of ordinary skill in the art would put the marking appliqu  on the tool and not in a female recess.

**The shape of the marking appliqu  31d is a visual parameter and not configured to be completely inserted in a female recess**

According to Cirone, "it is understood that numerous other shapes may be used for marked regions 2a and 2b, including, for example, circular, square, diamond or other recognizably shaped marked areas of a designated color and/or pattern. Use of such shaped correlation regions makes available numerous additional discrete collation identifying markings by adding an additional parameter to the tool indicia" (col. 5; lines 58-64).

Also according to Cirone "marking appliqu  31d may be shaped in any desired manner, such as diamond, star, square, etc., to provide an additional (supplementary) collation parameter (i.e. shape as well as color and/or pattern)" (col. 7, lines 12-14).

As stated by Cirone the configuration of the marking appliqu  is not in relationship with the shape of the female recess.

So the marking appliqu  31d is not adapted to be completely inserted in a female recess.

Cirone does not disclose a device located in a plane perpendicular to an axis of clamping of the mobile element

Nothing in Cirone teaches one of ordinary skill in the art to put the marking appliqu  31d in a plane perpendicular to an axis of clamping of the mobile element.

In conclusion and in view of the above nothing in Cirone teaches or suggests the object of Claim 1, i.e. a "device adapted to be used with a female recess tool for clamping a mobile element to be completely inserted in said female recess and to be maintained therein, said device comprising an element having three dimensions, one of the three dimensions being substantially smaller than the other two of the three dimensions and being located in a plane perpendicular to an axis of clamping of said mobile element, said element marking or identifying said female recess tool by an inscription corresponding to information relative to said tool".

So the object of Claim 1 is patentable in view of Cirone.

As Claim 2 is dependent on Claim 1, which is patentable, Claim 2 is patentable.

The marking appliqu  31d is not secured and removed from the tool by forces of friction

The marking appliqu  31d is secured to the tool by forces of sticking and not forces of friction.

By friction it is meant that there are two surfaces which are mobile the one relative to the other and due to a friction one of the both surfaces cannot move freely, which is not the case for a tool and a sticker.

The user must use forces of compression to put the self-adhesive sticker on the tool and not forces of friction as stated by the examiner.

Furthermore, the marking appliqu  is secured on the tool and not in the tool.

So Cirone's invention is not secured in the tool by forces of friction and the object of Claim 3 is new.

As Claim 3 is dependent on Claim 1, which is patentable, so Claim 3 is patentable.

As Claim 4 is dependent on Claim 3, which is patentable, Claim 4 is patentable.

Cirone does not disclose a device with a shape complementary to a shape of said female recess.

Nothing in Cirone discloses or suggests realizing the shape of the appliqu  complementary to the shape of the female recess.

Furthermore as Claim 5 is dependent on Claim 1, which is patentable, Claim 5 is patentable.

Claim 6 was considered allowable and has been amended to include the subject matter of claim 1 and is therefore patentable.

As Claims 7-12 are dependent on Claim 6, which is patentable, Claims 7-12 are patentable.

As Claim 13 is dependent on Claim 12, which is patentable, Claim 13 is patentable.

As the element is not secured in the tool by forces of friction, there are no forces of friction which can allow removal of the element from the tool.

Furthermore as Claim 14 is dependent on Claim 3, which is patentable, Claim 14 is patentable.

As Claims 15 and 16 are dependent on Claim 1, which is patentable, and as nothing in Cirone discloses an element which fits in a hand tool or an element constituted by a multi-layer material, Claims 15 and 16 are patentable.

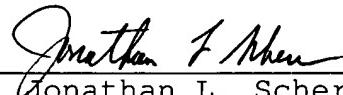
As Claim 17 is depending on Claim 16, which is patentable, Claim 17 is patentable.

Based upon the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned

attorney, so that the present application can receive an early notice of allowance.

Respectfully submitted,

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Date: October 14, 2005

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